

THE MITCHIKANIBIKOK INIK
(THE ALGONQUINS OF BARRIERE LAKE)

The Facilitator's Report
On
The Leadership Selection Process
In Accord with
The Mitchikanibikok Anishinabe Onakinakewin
(The Barriere Lake Customary Governance Code)

Article VIII
Nikanikabwijk (The Council)
Wasakawegan
(The process for selecting leaders)

s. 8.6 to s. 8.9

Prepared by Keith Penner (The Facilitator)

DisputeRes, Keith Penner & Associates.

Preamble:

The Mitchikanibikok Inik, also known as the Algonquins of Barriere Lake, a distinct First Nation, operate under a customary system of government in accord with the *Law Codifying the Customary System of Government of the Algonquins of Barrier Lake*. This Code was adopted by the people of the Barriere Lake community on August 15, 1996. There were some subsequent amendments to the code, but not in relation to the process for selecting leaders.

In a report dated May 31, 1997, Facilitators Andre Maltais and Michel Gratton , appointed by the Minister of Indian Affairs and agreed to by 19 elders and the then Chief, Harry Wawatie, affirmed the Mitchikanibikok Inik as a codification of the Algonquins of Barriere Lake customs respecting governance. Thus, the Chief and Council are chosen in accord with the adopted custom and s. 74 of the *Indian Act* does not apply (see s.2 (1) "council"). More importantly, in retaining their customary governance provisions, the Algonquins of Barriere Lake lay claim to the rights of the Aboriginal Peoples Canada as enacted in The Constitution of Canada (1982) in S.35 (1) "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed".

Throughout all the time I spent and the many meetings I attended with the Elders of the Algonquins of Barriere Lake (the ABL Elders) and the People of the community, I was deeply impressed with a number of aspects that I observed in their demeanour:

- A patience to proceed in this new Leadership Selection Process in a careful and orderly manner because it was sensed by all that it was right and necessary to do so. They felt obliged to put in place a legitimate Chief and Council in full accord with their Customary Governance Code.
- A prevailing attitude, though never articulated with undue anger, but rather softly, that the community was being governed without legitimacy and that the People were being misgoverned.
- A strong determination to move ahead toward a genuine Leadership Assembly, but never in such haste as to ignore or forget due process such as, for example, to always give adequate notice of all meetings and any decisions to be taken. Often, this scrupulous effort meant rather lengthy delays along the way. These delays were sanctioned by the ABL Elders in the name of fairness and transparency.
- A unanimous willingness to delay the Leadership Selection Process if there was any possibility whatsoever to set in place a reconciliation process with the Casey Ratt Group and their supporters. There were many eloquent expressions given at the meetings to restoring unity within the community so that together they could build a better place in which to live. That the attempts to bring about reconciliation were not successful remains a sense of disappointment to both the Elders and the People.

THE MITCHIKANIBI KOKINIK

LEADERSHIP ASSEMBLY

HELD AT

BARRIERE LAKE

ON

JUNE 24, 2009

June 24, 2009, the Leadership Assembly at Barriere Lake:

I met Michel Thusky at Le Domaine at 8:00 AM on June 24, 2009, where we briefly reviewed the plans for the Leadership Selection. We then drove our vehicles to Rapid Lake to pick up passengers going to the Barriere Lake site where the Leadership Assembly was to be held. Wasakawegan or Blazing is the customary process for selecting leaders. In this process, leaders are nominated by the Elders and selected by the People in accord with 8.6(1) of the *Barriere Lake Customary Governance Code*. This Code outlines, in detail, the procedure to be followed. Thus:

- (2) To initiate a selection process, the Council consults with the Elders and asks them to help identify a suitable candidate or candidates, if more than one position is open.
- (3) Once a suitable candidate or candidates have been identified, the Elders convene a Leadership Assembly of the People.
- (4) The proceedings of the Leadership Assembly are as follows:
 - (a) the Assembly starts in the morning;
 - (b) seats representing the number of positions which are open are placed in the centre of the Assembly area;
 - (c) an equal number of seats are also placed in the centre for the spouses of the Leaders to be selected;
 - (d) the People gather in a circle, around the seats;
 - (e) the nominated candidate is escorted by one of the Elders to one of the seats in the centre;
 - (f) the spouse of the nominated candidate is also escorted to a seat by another Elder;
 - (g) the Elder who nominates a candidate addresses the Assembly and the Elder who brings forward the spouse also addresses the Assembly;
 - (h) the candidate and spouse also addresses the Assembly;
 - (i) the floor will then be open for general discussion;
 - (j) if there is consensus amongst the People on the candidate, this shall be announced to the Assembly; and
 - (k) the Assembly continues until all the positions are filled.

When we arrived at the site where the Leadership Selection was to take place, there was an atmosphere of celebration and rejoicing everywhere. Children were swimming and running happily about on a beautiful clear and very warm day. Food was being cooked and families and friends were gathered in groups for discussion. Laughter rang out from all quarters. There was a prevailing sense of joy in the air.

I met and spoke with Martin Lukacs and the camera crew: Iphigenie Marcour-Fortier, David Janzen, Stephen De Oliveira and Courtney Kirkby. This group of young people was there to continue a documentary on the Algonquin People of Barriere Lake as well as acting as observers of the day's events. Other observers soon arrived, including Mr. Dave Bleakney representing the Canadian Union of Postal Workers, Grand Chief Norman Young of the Algonquin Nation Secretariat and Chief Harry St. Denis of the Wolf Lake First Nation. (For a list of observers present and their comments, see Appendix F).

At 11:15 AM, the Elders convened for a preliminary meeting prior to the commencement of the Leadership Selection. At this meeting, the Elders reviewed and discussed the *DECLARATION MITCHIKANIBIKOK INIK* (See Appendix F). The document was circulated among Elders and used as a reference during the discussion. This was a solemn gathering intended to reinforce the power and vital importance of the Algonquin's Aboriginal Rights and, in particular, and, most importantly, that of the *Customary Code for the Governance of the Algonquins of Barriere Lake*. Michel presided over the meeting and besides the discussing, there were long periods of quiet contemplation. The feeling that a momentous occasion was about to take place on this day began to penetrate out from the conclave of the Elders.

A list of all Elders who were present was prepared by Michel Thusky (see Appendix F). An Elder, by definition, is a grandparent who is at least 45 years old. Rose Nottway accepted the task of preparing the list of all other adult members who were present at the Assembly. She used the adopted 2006 Eligibility List as her reference to ensure accuracy. (For the list of adult members present see Appendix F).

About 1:00PM, the Leadership Selection Process was formally begun with the Traditional Drum Ceremony calling the People together. This ritual event was led by Elder Toby Decoursay. The compelling beating of the drum drew young and old from all quarters of the site to the centrally located tent where the Leadership Selection Process would be conducted.

The five chairs were set in place at the front of the tent. Elder Michel Thusky carefully described to the People how the Selection would proceed. He thanked everyone for coming to this significant and traditional process. Elder Toby Decoursay elaborated on the ceremony noting that strict adherence to this Selection Process was the one and only way for the

Algonquin People of Barriere Lake to choose a legitimate government to manage their affairs and to work for the benefit of all members of the community.

With the Assembly gathered in and around the tent and with the chairs in place, the Selection Process for choosing leaders under the *Customary Code* commenced:

1. Elder Yvonne Ratt escorted nominated candidate Eugene Nottaway to the second chair from the right.
2. Elder Rebecca Decoursay escorted nominated candidate Jean-Maurice Matchewan to the chair located in the centre.
3. Elder Albert Poucachnicne escorted nominated candidate Benjamin Nottaway to the second chair from the left.
4. Elder Gabriel Wawatie escorted nominated candidate David Wawatie to the last chair on the left.
5. Elder Louisa Paptie escorted nominated candidate Joey Decoursay to the last chair on the right.

The Assembly waited in quiet anticipation to see if other nominated candidates would be brought forward. After some period of time had elapsed, it became clear that there was a consensus among those assembled for the Selection. No other candidates would be designated. The Chief's head-dress was then taken to the centre chair occupied by nominated candidate Jean-Maurice Matchewan and placed upon his head, thus signifying that the Elders, with the consent of the Eligible Selectors, had designated him as Chief of the Alonquins of Barriere Lake.

It was now the time for the next important and essential step to be taken in the Leadership Selection Process. Without this stage being carried out with the same careful procedure, complete legitimacy in the Selection Process would be lacking. Thus, in accord with 8.6 (4f), the spouses of the nominated candidates would now be escorted to stand behind the appropriate candidate. Thus,

1. Juliette Keyes was escorted to stand behind Jean-Maurice Matchewan.
2. Gloria Decoursay was escorted to stand behind Benjamin Nottaway.
3. Rose Nottaway was escorted to stand behind Eugene Nottaway.
4. Henriette Poucachnicne was escorted to stand behind David Wawatie.
5. Stephanie Wawatie was escorted to stand behind Joey Decoursay.

With the nominated candidates and their spouses in place, it was time to hear the candidates address the Assembly of the Elders and the People. Each spoke in turn beginning with the new Chief Jean-Maurice Matchewan. Rose Nottaway spoke on behalf of the spouses. Each

speech was delivered in the Algonquin tongue so the Facilitator had to rely on a summary translation given to him by Michel Thusky following the ceremony.

Several Elders and many others from the Assembly also spoke. Invited observers, Grand Chief Norm Young and Chief Harry St. Denis, were recognized and invited to share their thoughts on the Selection Process. Both these men spoke with eloquence, focusing on the heavy responsibilities of the Chief and Council and the need to retain the traditions and customs of the People. They each stated that they had been impressed with the proceedings and the majesty of the event. Chief Harry St. Denis noted, in particular, the essential duty of everyone to work hard to retain the use of the Algonquin Language for future generations.

In summary, the speeches emphasized the importance of the offices that were filled this day; the good qualities of the candidates; that much work lay ahead to meet the many needs of the community; the heavy duties being imposed upon the Chief and Council and the importance of spousal support in these endeavours; the great honour that had been bestowed upon the candidates; the need for each leader to act as a role model for others; that each of them, in all ways, must show respect for the People and for their revered customs and finally the importance of working for unity, harmony, peace and goodwill within the community.

The Facilitator's Concluding Comments:

From the very beginning, to the culmination of the Process in the Selection of the Leaders and each step along the way, this has been completely an Elder-driven endeavour. The role of the Facilitator was to serve as a scribe to accurately record all decisions and the manner in which they were made. There were some in the community who viewed the Facilitator as an unwelcome outside agitator. This can be seen in some of the letters sent by Casey Ratt. In Appendix F, there are letters from other community members who expressed similar thoughts.

At no time, was the Facilitator called upon to provide direction or give leadership. Rather, it was to consult regularly and frequently with the Elders' Council and other Elders to decide upon the next step in accord with the *Customary Code for the Governance of the Algonquins of Barriere Lake*.

With respect to the conduct under the *Customary Code*, the Facilitator can attest that it was followed in a reasoned and scrupulous fashion. Along the way, leading to the Selection itself, there were delays. The causes for these setbacks were twofold:

- 1) to ensure that, at all times, due process was rigidly observed, such as giving adequate notice of meetings to be held; the posting of the Eligibility List with the opportunity

to make revisions by anyone in the community and finally, by the circulating of all Resolutions that had been proposed by the Elders, discussed with the People and approved by the Elders.

2) to try, sincerely and in a determined manner, to achieve reconciliation within the community. The idea of getting the Casey Ratt Group to appoint a co-facilitator to help design and implement a reconciliation process was always the preferred option. In the end, however, it became abundantly clear that any serious consideration of this approach was not evident and every exchange on this issue was only used as a delaying tactic.

It is the Facilitator's conclusion that the *Customary Code* has been followed and adhered to in each and every respect. The new Chief and Council are the legitimate and properly constituted leaders of the community of Barriere Lake. It only remains now for DIAND to appropriately and correctly recognize and register the results of this Customary Selection in accord with the terms of the Indian Act set out in s. 2(1), "council".

Following this pro forma administrative act, it is essential that no further delays should be contemplated before commencing with the implementation of all agreements and undertakings between the Algonquin People of Barriere Lake and the Governments of Canada and Quebec.